IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14433 of 2004

Between:

M. Sattaiah, S/o. Rajaiah, R/o. Dammannapet Village, Dharmapuri Mandal, Karimnagar.

..... PETITIONER

AND

The District Collector, Panchayat Wing, Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the proceedings of the Respondent No. A6/605/04/Panchayath dated 21-7-2004 as illegal arbitrary violative of principles of natural justice, contrary to Section 249(6) of A.P. Panchayat Raj Act and Article 14 of Constitution of India consequently Hon'ble Court be pleased to set aside the same.

Counsel for the Petitioner: MR.V.RAVINDER RAO

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following:

ORDER:

The petitioner is a Sarpanch of Dammannapet village Panchayat. On a certain allegation that he misappropriated Gram Panchayat funds to a tune of Rs.1,22,821/- (Rupees one lakh twenty two thousand eight hundred and twenty one only), the respondent herein by impugned order suspended the petitioner purporting to exercise power under Section 249(6) of A.P.Panchayat Raj Act, 1994 (for short, the Act). This is assailed in the writ petition.

The learned counsel for the petitioner raised only submission that District Collector has not considered the explanation submitted by the petitioner pursuant to the show cause notice dated 24.06.2004 and therefore the impugned order suffers from jurisdictional error. In spite of vehemence in the submission, I am not able to countenance his submission.

A reading of the impugned order would show that the District Collector has properly applied his mind and passed orders suspending the petitioner, pending further action. Further, the suspension is made only for a period of three months and therefore the petitioner can always make a representation or file a revision before the Government under Section 264 of the Act. This Court finds no grave error in the impugned order, which requires interference at this stage. It is well settled that, ordinarily, this Court does not interfere with orders of suspension unless there is grave error apparent on the face of record.

The writ petition, therefore, is dismissed, with the above observation.

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(V.V.S.RAO,J)

16.08.2004.

pln

ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. The District Collector, Panchayat Wing, Karimnagar District.
2. 2 CCs to the G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad.(OUT)
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